

Message Text

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PAGE 01 STATE 120976
ORIGIN EB-07

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APPROVED BY EB/AN:RABROWN
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R 252057Z MAY 77
FM SECSTATE WASHDC
TO AMEMBASSY KUALA LUMPUR

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E.O. 11652: N/A

TAGS: EAIR

SUBJECT: CIVAIR: RESTRICTION ON PAA'S ALL-CARGO SERVICE

REF: KUALA LUMPUR 3080

1. IN VIEW OF RELUCTANCE OF GOM TO REMOVE CAPACITY LIMITATION ON PAN AM'S B-747 FREIGHTER, EMBASSY IS REQUESTED TO MAKE DEMARCHE PROTESTING RESTRICTION.

2. EMBASSY SHOULD USE FOLLOWING TEXT IN DIPLOMATIC NOTE OR, AT ITS DISCRETION, IN AIDE MEMOIRE PRESENTED TO APPROPRIATE AUTHORITIES:

QUOTE.....AND REFERS TO THE US-MALAYSIAN AIR TRANSPORT AGREEMENT AS AMENDED AND TO THE MALAYSIAN DIRECTOR GENERAL OF CIVIL AVIATION'S APRIL 8, 1977 LETTER TO PAN AMERICAN
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WORLD AIRWAYS.

QUOTE THE USG HAS BEEN INFORMED BY PAN AMERICAN THAT THE DIRECTOR GENERAL'S APRIL 8 LETTER PLACED A RESTRICTION ON PAN AMERICAN'S PLAN TO SUBSTITUTE A B-747 FREIGHTER FOR THE B-707 FREIGHTER THAT HAS BEEN OPERATING ON THE ROUTE. THE LIMITATION IMPOSED BY THE GOM WOULD CONFINE THE CAPACITY

OF THE WIDE-BODIED AIRCRAFT TO THAT OF THE B-707.

QUOTE THE USG PROTESTS THIS RESTRICTION AS A VIOLATION OF ARTICLE 11 OF THE BILATERAL AGREEMENT. PART C OF THAT ARTICLE STATES THAT "NEITHER CONTRACTING PARTY SHALL UNILATERALLY RESTRICT THE AIRLINE OR AIRLINES OF THE OTHER CONTRACTING PARTY WITH RESPECT TO CAPACITY FREQUENCY, SCHEDULING OR TYPE OF AIRCRAFT EMPLOYED." IT FURTHER PROVIDES THAT "IN THE EVENT ONE OF THE CONTRACTING PARTIES BELIEVES THAT THE OPERATIONS CONDUCTED BY THE DESIGNATED AIRLINE OR AIRLINES HAVE BEEN CONSISTENT WITH THE STANDARDS AND PRINCIPLES SET FORTH IN THIS ARTICLE, IT MAY REQUEST CONSULTATIONS -- FOR THE PURPOSE OF REVIEWING THE OPERATIONS IN QUESTION."

QUOTE IF THE GOM VIEWS THE CARGO CAPACITY OFFERED BY PAN AMERICAN WITH ITS B-747 AS EXCESSIVE IT MAY WISH TO CALL FOR CONSULTATIONS ON THAT SUBJECT. ALTHOUGH UPON CURSORY EXAMINATION, PAN AMERICAN CONVERSION PLANS APPEAR TO BE JUSTIFIED, THE USG ASSURES THE GOM THAT IT IS READY TO MEET AT A MUTUALLY AGREEABLE TIME TO DISCUSS THIS MATTER. IF THE RESULTS OF SUCH A REVIEW CONFIRM THE GOM'S POSITION, THEN SOME AGREEABLE ADJUSTMENT OF THIS OPERATION CAN BE INSTITUTED. HOWEVER, IN THE MEANTIME, THE USG REQUESTS THAT GOM'S RESTRICTION ON PAN AMERICAN ALL CARGO FREIGHTS BE TERMINATED. END QUOTE

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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 25-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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